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DATE April 26, 2005
NAME Examiner Aaron M. Dunwoody
COMPANY United States Patent and Trademark Office
FAX NUMBER 703-872-9306

FROM Michael J. Tempel *MJT*
REFERENCE NO. 01209.0079U2 (Agilent Docket 10003904-8)
OUR FAX NUMBER 770-804-0900
NUMBER OF PAGES 3

Application No. 10/726,528

Please deliver to **Examiner Aaron M. Dunwoody, Art Unit 3679**

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AGILENT TECHNOLOGIES, INC.
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P. O. Box 7599
Loveland, Colorado 80537-0599

APR 26 2005

ATTORNEY DOCKET NO. 10003904-8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): David Rittenhouse

Serial No.: 10/726,528

Examiner: Dunwoody, Aaron M.

Filing Date: December 4, 2003

Group Art Unit: 3679

Title: CAPILLARY COLUMN SEALING TECHNIQUE

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria VA 22313-1450

**TERMINAL DISCLAIMER
RESPONSIVE TO A DOUBLE PATENTING REJECTION**

Sir:

Petitioner, Agilent Technologies Inc., is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer of prior Patent No. 6,709,027 to Agilent Technologies Inc., which issued on March 23, 2004 and is commonly owned by Applicant. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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(continued)

ATTORNEY DOCKET NO. 10003904-8

Please charge the required fee set forth in 37 CFR 1.29(d) of \$130.00 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25.

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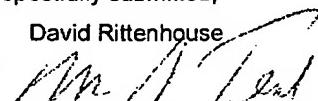
Typed Name: Michael J. Tempel

Signature: 

Respectfully submitted,

David Rittenhouse

By

Michael J. Tempel
Attorney/Agent for Applicant(s)

Reg. No. 41,344

Date: April 26, 2005

Telephone No. 770-709-0056